



MIKE PENCE, *Governor*
JAMAL L. SMITH, *Executive Director*

ICRC No. HOha13011696
[REDACTED]

JAMAL L. SMITH, in his official capacity as
EXECUTIVE DIRECTOR of the
INDIANA CIVIL RIGHTS COMMISSION,
Complainant,

v.

Granite Management, LLC,
Respondent.

NOTICE OF FINDING and
ISSUANCE OF CHARGE

The Executive Director of the Indiana Civil Rights Commission ("Commission"), through his designee, the Deputy Director of the Commission, pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Reasonable cause exists to believe that an unlawful discriminatory practice has occurred. A Charge is therefore issued in accordance with 910 IAC 2-6-6(b).

On January 24, 2013, [REDACTED] ("Complainant") filed a Complaint with the Commission against Granite Management ("Respondent") alleging discrimination on the basis of disability, in violation of the Indiana Fair Housing Act (Ind. Code § 22-9.5, *et. seq.*), the Indiana Civil Rights Law (Ind. Code § 22-9, *et. seq.*) [REDACTED]. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this Complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue before the Commission is whether the Complainant was denied a reasonable accommodation. In order to prevail, he must prove that 1) he falls within a class of person protected by the law; 2) Respondent was aware of that Complainant was disabled; 3) Complainant requested a reasonable accommodation; and 4) Respondent denied the requested accommodation.



Complainant moved into Respondent's property on or about March 2012. While Respondent was aware that Complainant was disabled, Respondent did not know the specifics of his condition. In November 2012, Respondent's employees discovered that Complainant had a dog in contravention of the "no pets" policy. However, Complainant requested an accommodation, namely that the dog was an emotional support/ service animal and presented a doctor's note indicating as such. Nonetheless, Respondent stated that "if he [Complainant] needs to keep the dog, then he should have to pay for it." In short, Respondent informed Complainant that even though the animal was identified as an accommodation necessary for Complainant's disability, Complainant should pay a fee. Since Complainant has failed to pay the pet fee associated with the emotional support/ service animal, Respondent issued a notice of eviction.

It is clear that Complainant is afforded protection by virtue of his disability. Further, Respondent was aware of Complainant's disability and denied Complainant's request for a reasonable accommodation, namely, the ability to keep his emotional support/ service animal. For the aforementioned reasons, there is reasonable cause to believe that Respondent has violated the Fair Housing Laws as alleged. As permitted by 910 IAC 2-6-6(h), any party to this Complaint may elect to have the claims asserted in this Charge decided in a state court, in lieu of an administrative proceeding under 910 IAC 2-7. Such an election must be made no later than twenty (20) days after service of this Notice. The notice of election must be filed with the Commission and served on the Director, the Respondent, and Complainant.

If such an election is not timely made, an administrative hearing of this matter will be scheduled by the Administrative Law Judge. Respondent shall have an opportunity to file an answer to this charge within thirty (30) days of service of this Charge. [REDACTED] and any other person aggrieved by this alleged discriminatory practice may participate as a party in the hearing by filing a request for intervention. All discovery in this matter must be completed fifteen (15) days prior to the date of hearing.

If at any time following service of this charge Respondent intends to enter into a contract, sale, encumbrance, or lease with any person regarding the property that is the subject of this charge, Respondent must provide a copy of this charge to the person prior to entering into such contract, sale, encumbrance or lease. 910 IAC 2-7-4(e)(3).

March 21, 2013

Date

Akia A. Haynes

Akia A. Haynes, Esq.

Deputy Director

Indiana Civil Rights Commission